

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: TARA THOMPSON  
ARTS & CULTURE MANAGER  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: WAIVER OF COMPETITIVE BID, ALLOCATION AND  
APPROPRIATION OF FUNDS FOR RUTH ASAWA ART PANELS,  
AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT  
WITH ARTWORKS FOUNDRY LLC FOR BRONZE CASTING AND  
INSTALLATION OF ART PANELS

AGENDA ACTION: RESOLUTION

---

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution: 1) waive competitive bidding pursuant to Section 3-08.100(D) of the City Code and Council Policy 600-001; 2) approve the allocation of \$300,000 of PG&E settlement funds for the purpose of casting bronze panels of the original Ruth Asawa art panels and installing them on the new fountain being constructed in Old Courthouse Square; 3) appropriate \$300,000 from the PG&E settlement funds to Public Art project; and 4) approve a Professional Services Agreement with Artworks Foundry LLC in the amount of \$276,700, including a \$23,300 project contingency, for a total amount not to exceed \$300,000 for the bronze casting and attachment of the Ruth Asawa Art Panels.

---

EXECUTIVE SUMMARY

The City's Public Art Program has been working to restore and install the original Ruth Asawa art panels onto a new fountain in Old Courthouse Square. Due to considerable deterioration of the material of the original panels and related repair and maintenance costs, the Art in Public Places Committee approved casting the original panels in bronze and installing the bronze casts on the new fountain. Adequate funding to restore the art panels to a new fountain was not included in the original Old Courthouse Square Reunification budget. Use of PG&E settlement funds for this purpose was identified through City Council study sessions related to this one-time funding source. Artworks Foundry LLC is the firm providing the casting and installation services for which the funds will be applied via a professional services agreement.

# WAIVER OF COMPETITIVE BIDDING, ALLOCATION AND APPROPRIATION OF FUNDS FOR RUTH ASAWA ART PANELS AND APPROVAL OF PROFESSIONAL SERVICE AGREEMENT WITH ARTWORK FOUNDRY LLC FOR BRONZE CASTING AND INSTALLATION OF ART PANELS

Page 2

## BACKGROUND

The Public Art Program has been working with the family of the late artist Ruth Asawa, as well as with a team of professionals to address the condition of the art panels and plan for their return to Old Courthouse Square. Here is a brief timeline of the history of the project:

- **1985:** Ruth Asawa contracted by the Redevelopment Agency of the City of Santa Rosa for bas-relief pre-cast concrete panels (glass fiber reinforced concrete or “GFRC”) for the fountain in Old Courthouse Square
- **1987:** Ruth Asawa completes and installs art panels after working with students from Burbank Elementary and other community members
- **2016:** Council approved design for reunified Old Courthouse Square, including the Asawa Fountain relocated to the south end of the square; unfortunately, funding to construct the new fountain and install art panels not included in original construction budget
- **2016:** art panels removed and transported to a storage facility prior to the Old Courthouse Square reunification project
- **2017:** conservators report indicates severe deterioration to the original panels post-removal, including water damage, discoloration and staining, cracks in panels, breakage and surface losses, hole blowout, rust, etc.
- **2019:** Hugh Futrell Corp announces plan to construct new fountain
- **2021:** conservator’s recommendation: due to the deteriorating material, structural instability and ongoing needs of the original panels, casting the panels in bronze and installing the bronze casts on the fountain is recommended
- **2021:** Ruth Asawa’s family submits letter of support: “We believe that [the panels] have become a beloved and important work for the local community and any plan should aim to create a durable solution so the work can remain in its outdoor setting. Since concrete has degraded over the years, particularly on the panel that had contact with water, we believe a replacement in bronze would create the most lasting and durable option.”
- **2021:** It was discovered that Asawa had originally envisioned the artwork in bronze, but the original budget constraints did not allow for it

Sufficient funding to restore the art panels to a new fountain was not included in the original Old Courthouse Square Reunification budget. The timing of the structural issues with the panels that were identified and the options that have been studied and negotiated did not align with the Fiscal Year 2021-22 budget hearings, and thus were not included or discussed during the standard budget process.

The City of Santa Rosa received \$95M from PG&E to settle a claim for its 2017 wildfire damages. As there are no restrictions on how these funds can be used, Santa Rosa City Council has considered a range of projects primarily focused on strengthening the

# WAIVER OF COMPETITIVE BIDDING, ALLOCATION AND APPROPRIATION OF FUNDS FOR RUTH ASAWA ART PANELS AND APPROVAL OF PROFESSIONAL SERVICE AGREEMENT WITH ARTWORK FOUNDRY LLC FOR BRONZE CASTING AND INSTALLATION OF ART PANELS

Page 3

resiliency of the community. Of the \$95M, \$68M were obligated to General Fund reserves, fire resiliency, and fire recovery projects. An additional \$20M was committed to the RED Housing Accelerator Fund and the Roseland Library. Uses for the remaining \$7M were discussed by Council, culminating in the final October 26, 2021, Council study session during which the Asawa Fountain panels were considered.

## PRIOR CITY COUNCIL REVIEW

July 13, 2021 – City Council One-Time Monies Study Session; direction provided; no action taken.

October 26, 2021 – City Council One-Time Monies Study Session; direction provided; no action taken.

## ANALYSIS

The potential to use PG&E settlement funds for the Asawa bronze casting and installation was identified at the July 13, 2021, City Council study session. While this use of funds did not score high when ranked against the sustainable, economic, and equity review criteria, there was recognized value in not having the art panel element further delay the construction of the fountain.

Funds will be allocated to a professional services agreement with Artworks Foundry LLC in the amount of \$300,000, which includes a \$23,300 project contingency.

Artworks Foundry LLC will provide repair work, molds, cast, finish, welding, patina, steel framework, delivery, and installation of the bronze panels (see Attachment 1 to the Resolution).

Section 3-08.100(D) of the City Code provides that purchases of supplies, material, equipment, and services may be made without recourse to competitive bidding requirements where the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, or other valid reasons for waiving competition appears. Section 4.1.2 of Council Policy 600-01 (Selection of Professional Services) also provides that “Council may waive its RFP procedures if waiver is in the best interests of the City.”

Under Section 3-08.100(D), the approval of the waiver of competitive bidding must be approved at the same level of authority as set forth in Section 3-08.110 of the City Code. Council is the award authority for a purchase with a not-to-exceed amount up to \$300,000 and must approve the waiver of competitive bidding.

# WAIVER OF COMPETITIVE BIDDING, ALLOCATION AND APPROPRIATION OF FUNDS FOR RUTH ASAWA ART PANELS AND APPROVAL OF PROFESSIONAL SERVICE AGREEMENT WITH ARTWORK FOUNDRY LLC FOR BRONZE CASTING AND INSTALLATION OF ART PANELS

Page 4

Waiver of competitive bidding is in the best interests of the City and there are valid reasons for a waiver for the recommended contract with Artwork Foundry, LLC for restoration and attachment of the Asawa Panels. Artworks Foundry is one the nation's leading foundries for the production and restoration of bronze sculptures, reliefs and monuments. They are the only full-service foundry in the Bay Area that provides digital fabrication and lost-wax casting, engineering, finishing and installation. For this project, Artworks Foundry is uniquely qualified to provide the needed services.

## FISCAL IMPACT

This action would approve a professional services agreement for the casting and installations of the Ruth Asawa Art Panels, which will be funded through an appropriation of \$300,000 of PG&E settlement funds in the General Fund reserves to the Public Art account (1204-09704). Appropriation of these one-time funds does not cause an ongoing impact to the General Fund.

## ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Section 15378.

## BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On August 2, 2021, the Art in Public Places Committee unanimously approved casting the art panels in bronze and installing the bronze casts on the fountain in Old Courthouse Square.

## NOTIFICATION

Not applicable.

## ATTACHMENTS

- Resolution / Exhibit A – Professional Services Agreement

## CONTACT

Tara Thompson, Arts & Culture Manager  
[tthompson@srcity.org](mailto:tthompson@srcity.org)  
(707) 543-4512